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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 BENJAMIN KARL RAY BUNTON,

12 Plaintiff,

13 v.

14 CITY OF MENDOTA POLICE CHIEF, et al.,

15 Defendants.

Case No. 1:23-cv-00211-SAB

16
17 ORDER DENYING APPLICATION TO
18 PROCEED IN FORMA PAUPERIS
19 WITHOUT PREJUDICE AND REQUIRING
20 PLAINTIFF TO FILE AN AMENDED
21 APPLICATION WITHIN THIRTY DAYS

22 (ECF No. 2)

23 Plaintiff Benjamin Karl Ray Bunton (“Plaintiff”), currently incarcerated at the Montana
24 State Prison in Deer Lodge, Montana and proceeding *pro se*, filed this civil rights action pursuant
25 to 42 U.S.C. § 1983. (ECF No. 1.) Along with the complaint, Plaintiff filed an application to
26 proceed without prepayment of fees in this action. (ECF No. 2.) However, Plaintiff’s application
is not properly completed. Plaintiff provides a single-page of his prisoner trust account statement
from Montana State Prison for the month of January 2023, rather than a statement showing the
past six months of trust account activity; furthermore, Plaintiff’s attached inmate account
document contains no certification from a prison official, as required. Therefore, the Court is
unable to determine if Plaintiff is entitled to proceed without prepayment of fees in this action as
the application is not complete.

27 Accordingly, IT IS HEREBY ORDERED that:

28 1. Plaintiff’s application to proceed in forma pauperis (ECF No. 2) is DENIED

1 without prejudice;

2 2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an
3 application to proceed *in forma pauperis* which includes a certified copy of his trust
4 account statement showing transactions for the past six months; and
5 3. Failure to file a complete application to proceed *in forma pauperis* in compliance
6 with this order will result in the recommendation that this action be dismissed.

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8 IT IS SO ORDERED.

9 Dated: February 14, 2023


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UNITED STATES MAGISTRATE JUDGE